

REMARKS

Applicant thanks the Examiner for the thorough consideration given to the present application.

By this Amendment, claims 1, 30 and 33-37 have been amended, claims 24, 31, 32 and 38 have been cancelled, and claims 39-42 have been added. Thus, claims 1-3, 6, 14-16, 19, 25-30, 33-37 and 39-42 are now pending.

Additionally, Applicant has amended the title of the application to read as follows:
"Pedestal Closure Assembly Having a Snag-Free Lock."

The Examiner is respectfully requested to reconsider and allow the subject application in view of the amendments and remarks contained herein.

OBJECTIONS TO THE SPECIFICATION

The specification stands objected to as failing to provide support for former claim 38. However, claim 38 has been cancelled, thereby rendering this objection moot.

OBJECTIONS TO THE CLAIMS

Claims 30-38 were objected to because of certain informalities. In response to this objection, claim 30 has been amended to consistently use the phrase "pedestal closure assembly" throughout the claim. Note that the scope of claim 30 has not changed. Additionally, "closure" has been added in the first line of claims 33-37 for consistency with claim 30. Claims 31, 32 and 38 have been canceled. In view of these changes, the Examiner is respectfully requested to reconsider and withdrawal the objection to the claims.

REJECTION UNDER 35 U.S.C. § 102

Claim 30 stands rejected under 35 U.S.C § 102(b) as being anticipated by James et al. (U.S. Patent No. 5,412,960). This rejection is respectfully traversed.

As amended herein, independent claim 30 recites a pedestal closure assembly comprising, among other things, a dome having a lower portion, a base, and a lock. The lock is positioned on the dome and adjacent cables when the cables are installed in the pedestal closure assembly. Importantly, the lock is "*free of sharp edges*" so as to avoid snagging the cables when the dome is removed from or installed on the base with the cables installed in the pedestal enclosure. (Emphasis added). Support for the amendments to claim 30 can be found, among other places, at paragraph 0025 of the subject application.

James fails to disclose a pedestal closure assembly having a lock free of sharp edges. On the contrary, the lock structure 22 of James has several sharp edges that could snag cables. For example, the lock structure 22 includes legs 25 which are positioned on the upper section 12 and protrude orthogonally from the web 24. See Fig. 2. As a result, the legs 25 clearly constitute sharp edges, and these sharp edges could clearly snag any cables installed in the James enclosure (although James fails to illustrate or describe any such cables). Furthermore, as shown in Fig. 3 of James, other elements of the lock structure 22, including the latch 29, the latch head 30 and the spring 41, including its lower end 44, all have sharp edges that clearly could snag cables. Accordingly, James fails to anticipate amended claim 30.

REJECTION UNDER 35 U.S.C. § 103

Claims 1-3, 6, 14-16, 19 and 25-29 stand rejected as being unpatentable over James et al. (U.S. Pat. No. 5,412,960) in view of one or more of Hollister (U.S. Pat. No. 1,853,427), Mahaney (U.S. Pat. 5,007,258), Leininger et al. (U.S. Patent No. 4,866,963), Sullivan et al. (U.S. Pat. No. 6,742,365), Yang (U.S. Pat. No. 4,732,417) and Dallmann et al. (U.S. Patent No. 5,301,989). These rejections are respectfully traversed.

As amended herein, independent claim 1 recites a slide lock assembly for an outdoor pedestal closure comprising, among other things, a base connected to a dome of the pedestal closure. The base has a channel and an outer surface ***free of sharp edges***. (Emphasis added).

In rejecting claim 1, the Patent Office contends that the web 24 and the legs 25 of James constitute a base. Even assuming, arguendo, that the web 24 and the legs 25 do in fact constitute a base, the legs 25, as shown above, have sharp edges. Therefore, James does not disclose or suggest a slide lock assembly including a base having an outer surface ***free of sharp edges***. In fact, by employing a lock having numerous sharp edges, James teaches away from the subject matter recited by claim 1 rather than rendering claim 1 obvious.

None of the secondary references cited by the Patent Office overcome these shortcomings of James.

As an initial matter, Applicant notes that none of the secondary references pertain to pedestal closure assemblies or locks therefor. For example, Hollister is directed to a lock for an automobile fuel cap; Mahaney and Sullivan are directed to locks

for utility meter box covers; Yang is directed to a door handle intended to replace a conventional door knob; and Dallmann is directed to a lock for double-hung windows. Thus, none of the secondary references are directed to the same field as the presently pending claims, namely, pedestal closure assemblies. Moreover, none of the secondary references appear to address the same problem as the presently pending claims, namely, providing a lock for a pedestal closure assembly that avoids snagging cables. Accordingly, Applicant respectfully submits that the secondary references are non-analogous art that cannot be properly combined with James to form a *prima facie* case of obviousness. For this reason alone, the Examiner is respectfully requested to reconsider and withdraw the obviousness rejections.

Further, each of the secondary references appear to disclose locks having sharp edges. See, e.g., Fig. 6 of Hollister, or Figs. 2A-B, 3A-B and 4C of Yang, or Figs. 1-3 of Dallmann. Accordingly, none can be said to overcome the shortcomings of the James reference discussed above.

For at least these reasons, the Examiner is respectfully requested to reconsider and withdraw the §103 rejections of claims 1-3, 6, 14-16, 19 and 25-29.

Claims 33-37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over James in view of Sullivan. This rejection is respectfully traversed.

Claims 33-37 depend from claim 30, which recites a pedestal closure assembly having a lock free of sharp edges. As shown above, the prior art fails to teach or suggest this recited subject matter. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the §103 rejection of claims 33-37.

NEW CLAIMS 39-42


By this Amendment, new claims 39-42 have been added. Support for these new claims can be found, among other places, in paragraphs 21 and 25 of the subject application. Because claims 39-42 all depend from claim 30, which has been shown above to be allowable, the Examiner is respectfully requested to allow new claims 39-42 as well.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (314) 726-7500.

Respectfully submitted,

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By: 
Michael J. Thomas
Reg. No. 39,857

HARNESS, DICKEY & PIERCE, P.L.C.
7700 Bonhomme, Suite 400
St. Louis, Missouri 63105
(314) 726-7500

MJT/enr